

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

SEAN DONAHUE,  
Plaintiff

v.

ED OLEXA,  
Defendant

CIVIL ACTION NO. 3:13-CV-1071

(Judge Nealon)  
(Magistrate Judge Carlson)

FILED  
SCRANTON

JUN 24 2013

PER  CLERK

**ORDER**

**NOW**, THIS 24<sup>th</sup> DAY OF JUNE, 2013, for the reasons set forth in the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. The amended complaint, (Doc. 11), is **DISMISSED** for failure to state a claim pursuant to 28 U.S.C. § 1915(g);
2. Plaintiff's motion for leave to proceed in forma pauperis, (Doc. 9), is **GRANTED**;
3. Plaintiff's motions to appoint counsel, (Docs. 8, 13), are **DENIED as moot**;
4. The Clerk of Court is directed to **CLOSE** this case; and
5. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.



United States District Judge